

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0362.01 Brita Darling x2241

SENATE BILL 19-164

SENATE SPONSORSHIP

Todd and Crowder,

HOUSE SPONSORSHIP

Mullica,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF IN-HOME SUPPORT SERVICES
102 WITHIN THE "COLORADO MEDICAL ASSISTANCE ACT", AND, IN
103 CONNECTION THEREWITH, IMPLEMENTING THE
104 RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET REPORT
105 BY THE DEPARTMENT OF REGULATORY AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - Senate Health and Human Services Committee. The bill implements the recommendations of the department

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

of regulatory agencies' sunset review by extending the repeal date of in-home support services for certain home- and community-based services (HCBS) waivers under the Colorado medical assistance program by 7 years, from 2019 to 2026. Prior to the repeal, the department of regulatory agencies shall conduct a sunset review of the program.

The bill amends the eligibility definition for in-home support services, removing the reference to specific HCBS waivers and including those waivers for which there is state and federal authority for in-home support services.

The bill removes language relating to an obsolete reporting requirement.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 25.5-6-1207
3 as follows:

4 **25.5-6-1207. Repeal of part.** This part 12 is repealed, effective
5 September 1, ~~2019~~ 2026. Prior to such repeal, in-home support services
6 established under this part 12 shall be reviewed as provided for in section
7 24-34-104. ~~C.R.S.~~

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
9 (17)(a)(X); and **add** (27)(a)(VIII) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for repeal, continuation, or reestablishment - legislative**
12 **declaration - repeal.** (17) (a) The following agencies, functions, or both,
13 are scheduled for repeal on September 1, 2019:

14 (X) ~~In-home support services established in part 12 of article 6 of~~
15 ~~title 25.5, C.R.S.;~~

16 (27) (a) The following agencies, functions, or both, are scheduled
17 for repeal on September 1, 2026:

18 (VIII) IN-HOME SUPPORT SERVICES ESTABLISHED IN PART 12 OF
19 ARTICLE 6 OF TITLE 25.5.

1 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-1202, **amend**
2 (3)(a) as follows:

3 **25.5-6-1202. Definitions.** As used in this part 12, unless the
4 context otherwise requires:

- 5 (3) "Eligible person" means any person who:
- 6 (a) Is enrolled in A home- and community-based services WAIVER
7 PROGRAM pursuant to ~~part 3 of this article, is enrolled in the spinal cord~~
8 ~~injury waiver pilot program pursuant to part 13 of this article, or is~~
9 ~~enrolled in the disabled children care program pursuant to section~~
10 ~~25.5-6-901~~ THIS ARTICLE 6 FOR WHICH IN-HOME SUPPORT SERVICES ARE
11 AUTHORIZED PURSUANT TO STATE AND FEDERAL LAW;

12 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-1203, **repeal**
13 (1.5) as follows:

14 **25.5-6-1203. In-home support services - eligibility - licensure**
15 **exclusion - in-home support service agency responsibilities - rules.**

16 (1.5) ~~The state department shall develop a plan to expand the provision~~
17 ~~of in-home support services to include clients eligible for home- and~~
18 ~~community-based services pursuant to parts 6 and 7 of this article and~~
19 ~~home- and community-based adult supportive living services and~~
20 ~~children's extensive support services pursuant to part 4 of this article. On~~
21 ~~or before March 1, 2015, the state department shall report to the public~~
22 ~~health and human services committee of the house of representatives and~~
23 ~~to the health and human services committee of the senate, or any~~
24 ~~successor committees, concerning the state department's plan for~~
25 ~~providing in-home support services to these clients, including the timeline~~
26 ~~for implementation of the service.~~

27 **SECTION 5. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2020 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.